

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR190
)	
v.)	
)	
ROMMEL SMITH,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for resentencing (Filing No. [132](#)) premised on the recent amendments to the United States Sentencing Guidelines for crack cocaine. On October 19, 2006, defendant appeared before the Court for resentencing following a decision by the United States Court of Appeals for the Eighth Circuit which remanded the case for resentencing and for consideration of an enhancement of his offense level premised upon obstruction of justice.

The Court found that his offense level should be adjusted upward two offense levels for obstruction of justice, which resulted in an offense level of 40 and a Criminal History Category of II. This called for a sentencing range of 324 to 405 months.

At sentencing, the Court readjusted the offense level by reducing it to 38. With a Criminal History Category of II, his guideline sentencing range became 262 to 327 months. The Court considered the nature of the crime in accordance with 18

U.S.C. § 3553(a) and concluded to impose a sentence of 240 months which sentence was below the defendant's guideline range.

The defendant has previously received more benefit than he would be entitled to if the Court had sentenced him within the guidelines. The Court concludes that no further adjustment of sentence is appropriate, and his motion for resentencing will be denied. Accordingly,

IT IS ORDERED that defendant's motion for resentencing is denied.

DATED this 29th day of January, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court